

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

STEPHEN J. BALISE, M.D.,

Plaintiff,

v.

BRITTANY JACKSON,

Defendant.

**CIVIL ACTION NO.: 1:24-CV-2
(JUDGE KLEEH)**

**ORDER RESULTING FROM HEARING OF JUNE 6, 2024, AND SETTING
FURTHER HEARING ON DEFENDANT'S MOTION TO COMPEL [ECF NO. 28]**

Presently pending before the Court is a motion to compel discovery [ECF No. 28] filed by Plaintiff on April 11, 2024. By Referral Order [ECF No. 5] entered on January 4, 2024, the Hon. Thomas S. Kleeh, Chief United States District Judge, referred the matter to the undersigned United States Magistrate Judge to conduct hearings and enter orders and reports and recommendations as appropriate.

On June 6, 2024, the undersigned convened the matter for a Motion Hearing on the motion to compel [ECF No. 28] and a hearing on the Order to Show Cause [ECF No. 31]. The hearing on the Order to Show Cause was scheduled for the Plaintiff to show cause why Defendant's motion to compel should not be granted for Plaintiff's failure to respond to the motion and appear for a hearing herein, when Plaintiff was proceeding *pro se*. The undersigned also convened proceedings to address the issue of Plaintiff's apparent use of ghostwriting to lodge certain filing(s) herein.

Plaintiff had represented to the Court that he retained counsel, who soon would appear herein. As ordered in the Court's prior Order [ECF No. 31], Plaintiff's counsel filed notices of

appearance prior to the hearing of June 6, 2024. [ECF Nos. 40, 41, 42]. Plaintiff's counsel appeared at the hearing along with Plaintiff himself, as did Defendant's counsel.

At the hearing of June 6, 2024, Plaintiff's counsel explained that, in the short time they have been retained, they have made strides toward responding to Defendant's outstanding discovery requests which are the subject of the motion to compel [ECF No. 28], and in fact had provided some responsive information already. They anticipate providing further responsive information in short order. To that end, the undersigned hereby **SCHEDULES** the matter for further Motion Hearing as to Defendant's motion to compel [ECF No. 28] on **Monday, July 1, 2024 at 9:00 a.m.** by videoconference/teleconference.

The Motion Hearing will be conducted remotely, **using the Court's Zoom videoconferencing/teleconferencing credentials.** To join the meeting, participants may connect either by video or by telephone. Participants can connect by video by using the following link:

<https://www.zoomgov.com/j/1605681245?pwd=OU1BTDFQUUDkraHA4U3Zpd1BIQW0rQT09> .

Alternatively, participants may connect by telephone by calling (646) 828 7666, then entering Meeting ID 160 568 1245 and Passcode 43281. If participants have trouble connecting, they may contact Magistrate Judge Alois Law Clerk, Nathan J. Fetty, directly by calling (304) 637-2239 or sending e-mail to nathan_fetty@wvnd.uscourts.gov. In addition, if parties wish to receive the Zoom hyperlink by email, they may request the same by contacting the above-noted Law Clerk.

As to the Order to Show Cause [ECF No. 31], the undersigned **FINDS** that Plaintiff has shown cause as to why the pending motion should not be granted. Plaintiff now has retained counsel, and his counsel has appeared herein By all appearances, his counsel is prepared to provide responsive discovery expeditiously and in such a fashion that will not adversely affect the scheduling of this matter.

Relatedly, as discussed during the hearing of June 6, 2024, when Plaintiff's counsel provides responses to Defendant's requests for admissions, Plaintiff's counsel also is to provide a full electronic copy of the same to the undersigned's law clerk, by e-mail, to nathan_fetty@wvnd.uscourts.gov. It is so **ORDERED**.

Finally, in the Order to Show Cause [ECF No. 31], the undersigned indicated that the Court would inquire about whether Plaintiff had the assistance of the ghostwriter in the preparation of certain filings which Plaintiff lodged herein when he was proceeding *pro se*. During the hearing of June 6, 2024, Plaintiff himself and his counsel provided information about this issue. As to this issue, it is **HELD IN ABEYANCE** pending further review.

It is all so **ORDERED**.

The Clerk of the Court is **DIRECTED** to provide a copy of this Order to any parties who appear *pro se* by certified mail, return receipt requested, and all counsel of record, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: June 6, 2024.



MICHAEL JOHN ALOIA
UNITED STATES MAGISTRATE JUDGE